



Michigan Law Enforcement Officer/ Subject Control Continuum (MLEO-SCC)

A Guide for Escalation and De-Escalation of Subject Control

In February 1997, the Michigan Law Enforcement Officers Training Council (MLEOTC) approved a new set of in-service training **guidelines** for the Use of Force, Firearms, and Chemical Agents. The current Michigan use of force continuum was developed in 1982. The development of the new guidelines began in May 1995 with the appointment of an advisory committee composed of representatives from numerous police and government agencies. Several subject matter experts (SME's) were chosen to develop these new guidelines. The SME panel worked with nationally recognized experts to develop a continuum that was easy to read and understand, and had enough flexibility to remain consistent with individual departmental policy and procedures.

A key component of the new in-service training guidelines was the development of a **subject control continuum**. The continuum pictured here

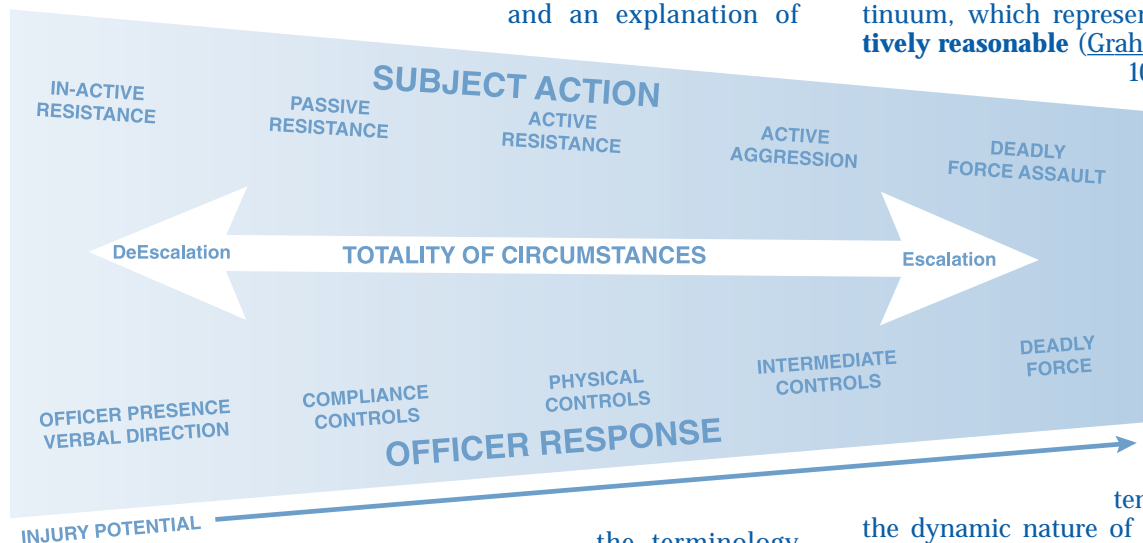
is in the **final draft stage**. The MLEOTC staff is currently writing training objectives, a resource guide, and developing a training video to accompany the continuum. It is expected that the training package will be completed in January 1998. This continuum is expected to become the standard for use of force training in the Basic Training Curriculum.

The continuum is a two sided document with the graphic on one side and an explanation of

tinuum to cover all possible situations; therefore, this continuum is offered only as a general guide to using force in arrest or confrontation situations.

As with any subject control/use of force continuum, the MLEO-SCC is based on the concept that the subject's action(s) is the driving force that dictates the officer's response. The officer's appropriate response may occur anywhere along the continuum, which represents an **objectively reasonable** (Graham v Connor, 109 S.Ct. 1865 (1989)) and **necessary** response to the perceived threat (subject's action(s)).

The graphic of the continuum attempts to depict



the terminology on the other. The continuum was developed to be used as follows: a training aid to assist officers in understanding the very complex issues surrounding the use of force; a guide for agencies to develop policies and procedures; a guide for writing use of force reports; and a tool to help explain an officer's level of control over a subject (e.g., jurors, citizens, etc.). It is not possible for a con-

tinuum to cover all possible situations; therefore, this continuum is offered only as a general guide to using force in arrest or confrontation situations. The escalation/de-escalation of a subject's resistance can be sudden and can escalate/de-escalate gradually or even go from in-active resistance to deadly force assault in a matter of seconds. The Totality of Circumstances arrow indicates that all the facts and circumstances confronting the officer impact the response to a subject's

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Subject Control Continuum . . .

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action. In Graham v Connor the court stated that the officer should be judged in light of what a reasonable officer would have done, given the same set of circumstances.

The graphic portion of the continuum will be printed in color with shading from yellow (in-active resistance) to dark red (deadly force assault). These colors indicate the officer's increasing awareness levels and increasing danger as the subject's actions/resistance increase in severity. The injury potential (to the officer, subject, and others) increases as the subject's actions/resistance increase.

A key element of the continuum is the concept of subject control. Control is established when the subject's

resistive or aggressive actions are neutralized and the subject no longer poses a threat to the officer, him/herself, or others. The officer's response must be sufficient to gain control and must be in proportion to the threat perceived by the officer. As the subject's action(s) ceases and/or resistance is reduced the officer must **maintain** control, reduce the amount of response force used proportionally, and be alert and ready to respond to any attempt by the subject to escalate resistance or assault the officer or others.

It is imperative that officers be able to articulate, and then document all the facts and circumstances that necessitated the force used to control a subject. Consequently, the new training objectives will include a section on writing reports where force has been used. Unfortunately, many times

officers have performed within policy and procedure and responded in a reasonable manner but failed to document all the facts and circumstances surrounding the incident.

The general public supports officers in the use of force to effect an arrest or control subjects. They expect officers to respond with that force reasonably necessary to control the subject and expect officers to protect themselves and others from injury or assault. With the completion of the In-Service Training Project in January, we can better meet the expectations of Michigan's citizens. If you have questions, or would like further information about this subject matter, please contact Dan Furniss, Supervisor, Standards Development Unit, Law Enforcement Officers Training Council, (517) 322-6739. 📞

Auto Airbag Safety

IN THE
BLINK OF
AN EYE!
That's a

phrase we use to talk about how fast time goes by. In real life application, that's how fast a car accident happens . . . literally. A car accident happens in the same time it takes you to blink your eyes or about a tenth of a second. The problem facing automotive safety engineers was how to intervene under that time limit. The answer was the airbag. It deploys in a fraction of the time it takes to have an accident—about one twenty-fifth of a second.

The average deployment speed of an airbag is 200 miles per hour, and some airbags have "hot deployment" upwards of 240 miles per hour. In theory, the airbag acts as a pillow to cushion your crash. Remember when you were a kid and had a pillow fight—it didn't hurt. The difference is, you didn't get hit at 200 miles per hour by your kid sister's pillow.

The danger that arises from airbags is a result of the deployment. If anything is in the way of the inflating airbag it is going to get moved, and fast—including the driver! For people who are tall and drive while sitting as far away from the steering

wheel as possible, there is minimal risk. But if you are short or like driving close to the steering wheel, then caution is advisable.

Unfortunately, if engineers decrease the speed of airbag deployment too much it reduces the effectiveness. Since quite a few of us already have airbags, it is worthwhile to understand how to use them. There are a few things that will increase the safety effectiveness and decrease the risks:

- As boring as it may sound, read your car's manual on airbag operation . . . especially if you have kids.
- Wear your seatbelt—it's an absolute!
- Adjust your seat to the rear, but close enough to reach the controls comfortably.
- If you normally drive with the back of the seat in the full upright position, adjust it one notch back.
- Lastly, drive with your hands on the sides of the steering wheel, not on the top.

For further information, contact the Michigan State Police Precision Driving Unit. 📞

Upcoming Academy Programs

(Have you sent in your registration?)

August 15 Supervisor Update

Leadership for the sergeant or first-line supervisor.

August 26
Alcohol Abuse In Law Enforcement
Administrative strategies will be described and discussed.

September 4
New Technologies For Public Safety
An overview of their impact on the delivery of public safety services.

September 8
Supervisor Update
Leadership for the sergeant or first-line supervisor.

September 26
Investigating Child Sex Abuse Crimes
Includes interviewing, gathering evidence, and profiling suspects.

October 2
The Officer As Leader
How the patrol officer can maximize formal and informal authority.

December 19
Executive Leadership
How managers and command officers can make a lasting, positive contribution.
If you need additional information, contact Marcy Best at (517) 322-5174. 📞

The Nature of Good and Evil

Why is there evil? What motivates those who perpetrate it? The effort to understand evil is fraught with difficulties. There is considerable emotional, political, and ideological baggage that skews our view. So if we are to understand why people choose to do evil, we need to look deep into the heart of what makes a human think. Fortunately, there is recent research that has penetrated this age old question.



"Do the Harder Right not the Easier Wrong."

GEN. DAVE PALMER
FORMER SUPERINTENDENT
WEST POINT MILITARY ACADEMY

To start with, it is necessary to find a definition for "good" to contrast with the concept of evil. The U.S. Army at West Point Military Academy has attempted to address this issue with a philosophy they call *"Doing The Harder Right,"* not the *"Easier Wrong."* They teach that *doing right* and *courage* are inseparable concepts because a truly good deed usually requires a sacrifice. For an example, consider one of the army's greatest heroes, Lt. Gen. Jonathan Wainwright.

Lt. Gen. Jonathan Wainwright was commander of the US forces in the Philippines during the Japanese invasion of 1942. Cut off by a blockade and without hope of relief or evacuation, President Franklin Roosevelt told Wainwright to escape without his troops. Wainwright steadfastly refused, later saying "My conscience would not let me leave before the final curtain."

Hopelessly outnumbered, Wainwright and his men fought to near decimation. On 6 May 1942, when the Japanese were within a hundred yards of a tunnel that was being used as a hospital, Wainwright personally crossed the battlefield to surrender. As a POW in Manchuria, Wainwright survived starvation and physical abuse until the end of the war.

So impressive was Wainwright's courage that when the Japanese signed the declaration of unconditional surrender on the Battleship Missouri



"My conscience would not let me leave before the final curtain."

LT. GEN. JONATHAN WAINWRIGHT

(2 September 1945), Gen. Douglas MacArthur stepped aside and deferred the Japanese surrender to the recently released and still enfeebled Wainwright. Wainwright insisted that Japanese prisoners be treated courteously, "We don't want to be guilty of treating anyone as we have been treated." Wainwright remained humble. Upon returning home he was astonished to learn America held him as a hero.

The virtues that enabled General Wainwright to do the "harder right" are easy to distinguish. He had a strong sense of duty which included placing the welfare of others before himself (*humility*), and he was able to maintain his integrity even to the point where he showed courtesy to those who had once tortured him. His *self-discipline* enabled him to stand on his convictions even when it was not easy to do so.

The Root Of All Evil

In his memoirs, Wainwright wrote that "many times during my long rot in captivity I wondered how the Japanese were capable of their gross inhumanities." Wainwright found it difficult to understand why the Japanese would act so criminally. Wainwright concluded that their acts of brutality sprang from their "view of modern life which made them recognize and *resent* their inability to keep pace," so they set out to conquer in order to confirm their "*assertions of superiority*." This same diagnosis was applied to the Nazis, who deeply resented the German defeat in W.W.I

and felt they were being denied their rightful glory. As it would turn out, this political analysis by Wainwright has even greater application.

A recent book by Dr. Roy F. Baumeister entitled *Evil: Inside Human Violence and Cruelty*, confirms what Wainwright recognized — that violent behavior is the result of feelings of superiority that are not matched by reality. This is true across the broad spectrum of violence, from playground bullying to national tyranny, from domestic abuse to genocide, from warfare to murder and rape. Baumeister claims that social workers have committed a grave error in creating and perpetuating the myth that criminals have low self-esteem. Studies have proven quite the opposite, that violent criminals are extremely arrogant and act aggressively in order to defend their over-inflated sense of superiority. Robert Ressler, the FBI's leading expert on serial killers, has noted that many of these murderers are driven by a desire for revenge, usually against females for some vague grievance they formed while still young.

Unsatisfied egotism is what makes people lash out. Consider the terrorists Timothy McVeigh (bomber of the Alfred P. Murrah Federal Building in Oklahoma City) and Theodore Kaczynski (the accused "Unabomber"). McVeigh, a decorated veteran of the Gulf War, failed his attempt to enter Army Special Forces and later left the military to wander the gun show circuit. Kaczynski, the brilliant mathematician, left academia to live as a backwoods hermit in Montana because he could not deal with people. Both are near-do-wells who resented "the system" for blocking what they felt was their due.

In interviews with convicted rapists, many described themselves as "multitalented superachievers," a claim that seems quite out of touch with reality when coming from someone who is in prison. Obviously, those who harbor such over-inflated self opinions are likely to encounter a large number of threats to their view of things. Because reality does not support them, they are likely to

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Good and Evil . . .

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have *unstable egos* and be hostile toward anyone they perceive as a threat. In a study of rapists, many commented that they chose their victim specifically — an uppity looking woman who needed to be “put in her place.”

As a result of their conceit, most violent criminals do not think of their actions as evil; the vast majority attempt to justify reasons for the way they acted. For example, abusive husbands tend to interpret many of their wives behaviors as assaults on their self-esteem, so they see themselves as victims defending their pride. Paradoxically, perpetrators often feel the victim overreacted or was in fact responsible for the violence. So if the perpetrator's first comment is “It wasn't so bad,” the second is “I couldn't help it” or “They made me do it.” Inability to maintain emotional control (self-discipline) is the second primary characteristic of violent people.

If there is one point that must be realized, it is that no person, institution, or country is immune from this phenomenon. In Hans Touch's psychological work *Violent Men*, in which violent criminals and over-aggressive police were studied in relation to each other, it was found that both groups tended to see them-

selves in the same way: as well-meaning, innocent people who had to cope with arbitrary, provocative behavior by the other group. In fact, the “Rodney King” incident is a classic example where police and criminal engaged in a war of egos. Retaliation soon exceeds the provocation; an eye for an eye doesn't exist — it becomes a contest of “I'll do you one better.” And before you are too hard on the Japanese and Germans for what they did during W.W.II, consider the United States' arrogant philosophy of “Manifest Destiny” as an excuse to exterminate Native Americans little more than one hundred years ago.

Conclusion

“Ego has to go. You have to learn to serve.”

GEN. DAVE PALMER
FORMER SUPERINTENDENT
WEST POINT MILITARY ACADEMY

These findings have severe implications. First, it becomes possible to predict who is likely to be most dangerous. People who think they're better than they really are will be the potentially dangerous ones, especially if they lack emotional control. As police officers have always known, alcohol only makes things worse. The reason, as studies have shown, is that alcohol causes both a temporary boost in self-esteem and lowers self-control. Also, where the subject has an audience, they will feel compelled to defend their unfounded prestige.

Unfortunately, it is Dr. Baumeister belief that things are only going to get worse. In modern society, the virtues of self-control and humility seem to be cultivated only among such people as nuns. In the United States, the national trend is in the opposite direction, toward pursuing high self-esteem and relaxing self-control. As long as this trend predominates, police should expect that crime and violence will be high.

“Our society, in general, focuses on ‘what can I get out of life’ — almost at the expense of anybody else; and it's this me-ism that people have to change. Because you have to be selfless, you cannot be selfish. You have to focus on people, you have to focus on others and helping others. If you focus just on yourself, you yourself will go nowhere.”

MAJOR TED RUSSELL
WEST POINT MILITARY ACADEMY

Additionally, and perhaps most important, everyone should expect to face a “harder right” dilemma. Therefore, it is wise to mentally prepare for times when great courage must be summoned in order to maximize *humility and self-discipline*.

“Courageous Character: Knowing the right thing to do and exercising the self-discipline to do it.”

COL. LARRY DONNITHORNE
WEST POINT MILITARY ACADEMY



One Thing at a Time The Dangers of Dual Force



What is dual force and why is it dangerous? The definition for dual force is: *any time an officer tries to deploy two “tools” at the same time.* For example, deploying a chemical agent in one hand and a firearm in the other, trying to initiate a handcuffing procedure while holding a flashlight, or having any tool in hand while taking a “strong-hand” hold of a suspect. Unfortunately, problems occur when the subject fails to comply and the officer's hands are filled. Combined with the stress of the situation, the officer may accidentally lose control of the tool or mis-use the weapon — thereby increasing his

own risk or deploying excess force against the suspect.

Why do officers try to deploy dual force? In some cases it is the result of improper or outdated training. In other cases it is a lack of confidence — some officers do this in an attempt to improvise in an unpredictable situation because they are afraid of losing control. But deploying dual force is almost always counterproductive because it rarely increases response time and is very likely to result in unintentional discharges.

In conclusion, there is rarely a time when anything positive results from

dual force. While one might defensively say that they never taught anyone to do it, it is more important that we actively train our people NOT to do it.



**Those who use arms
well cultivate the Way
and keep the rules. Thus
they can govern in such
a way as to prevail over
the corrupt.**

— Sun Tzu

Number of Copies Printed: 3,400
Total Cost: \$300.00 Cost Per Copy: \$0.088